

Regular Session, 2010

ACT No. 481

HOUSE BILL NO. 714

BY REPRESENTATIVE RICHMOND

AN ACT

To amend and reenact R.S. 33:9073, relative to Orleans Parish, to provide relative to the Lake Willow Subdivision Improvement District; to provide relative to the governing board of the district; to provide for terms of board members; to provide relative to the powers and duties of the district; to provide relative to the imposition of taxes and fees within the district; to remove provisions authorizing the imposition of taxes within the district; to authorize the imposition of a parcel fee within the district; to provide for the use of such fee; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9073 is hereby amended and reenacted to read as follows:

§9073. The Lake Willow Subdivision Improvement District

~~A. Creation. The Lake Willow Subdivision Improvement District, a special taxing district, hereinafter referred to as the "district", is hereby created in Orleans Parish.~~

~~B. Boundaries. The district shall be comprised of the area of Orleans Parish located between Morrison Road on the north, the Lawrence Drainage Canal on the west, the I-10 Service Road on the south, and on the east by a line approximately two hundred feet west of the west line of Crowder Road, excluding Lots 1B, 1C, and 1D shown on said plan, which said plan of subdivision is registered in COB692, folio 202, Orleans Parish, comprising all of the Lake Willow Subdivision.~~

1 C. Purpose. ~~The district is established for the primary object and purpose of~~
2 ~~promoting and encouraging the beautification, security, and overall betterment of the~~
3 ~~Lake Willow Subdivision.~~

4 D. Governance. ~~(1) In order for the orderly development and effectuation~~
5 ~~of the services to be furnished by the district and to provide for the representation in~~
6 ~~the affairs of the district of those persons and interests immediately concerned with~~
7 ~~and affected by the purposes and development of the area, the affairs of the district~~
8 ~~shall be managed by a nine-member board of commissioners appointed as follows:~~

9 ~~(a) The Lake Willow Homeowners Association's board of directors shall~~
10 ~~appoint five members.~~

11 ~~(b) The mayor of New Orleans shall appoint one member.~~

12 ~~(c) The member or members of the New Orleans city council who represent~~
13 ~~the area which comprises the district shall appoint one member.~~

14 ~~(d) The member or members of the Louisiana House of Representatives who~~
15 ~~represent the area which comprises the district shall appoint one member.~~

16 ~~(e) The member or members of the Louisiana Senate who represent the area~~
17 ~~which comprises the district shall appoint one member.~~

18 ~~(2) All members of the board shall own property within the district.~~

19 ~~(3) The members of the board shall serve without compensation.~~

20 ~~(4) The minute books and archives of the district shall be maintained by the~~
21 ~~board's secretary or acting secretary. The monies, funds, and accounts of the district~~
22 ~~shall be in the official custody of the board.~~

23 ~~(5) The duties of the officers shall be fixed by bylaws adopted by the board.~~
24 ~~The board shall adopt such rules and regulations as it deems necessary or advisable~~
25 ~~for conducting its business affairs which rules and regulations relative to public~~
26 ~~notice and conduct of public meetings shall all conform to the open meeting~~
27 ~~provisions of R.S. 42:4.1 et seq. It shall hold regular meetings as shall be provided~~
28 ~~in the bylaws and may hold special meetings at such times and places within the~~
29 ~~district as may be prescribed in the bylaws.~~

1 ~~(6) A majority of the members of the board shall constitute a quorum for the~~
2 ~~transaction of business. The board shall keep minutes of all meetings and shall make~~
3 ~~them available through the board's secretary to members of the district.~~

4 ~~E. Taxing authority. (1) The city council of the city of New Orleans is~~
5 ~~hereby authorized to levy and collect the special taxes or fees, as authorized by the~~
6 ~~Lake Willow Subdivision Improvement District, as hereinafter specifically provided~~
7 ~~for a term not to exceed five years, which may be renewed in subsequent elections,~~
8 ~~from and after the date the first tax or fee is levied pursuant to the provisions of this~~
9 ~~Section in the same manner and at the same time as all other ad valorem taxes on~~
10 ~~property subject to taxation by the city are levied and collected, a special ad valorem~~
11 ~~tax or fee not to exceed three hundred fifty dollars upon all taxable real property~~
12 ~~situated within the boundaries of the Lake Willow Subdivision Improvement~~
13 ~~District.* Any such unpaid tax or fee will be added to the tax rolls of the city and~~
14 ~~shall be enforced with the same authority and subject to the same penalties and~~
15 ~~procedures as are unpaid ad valorem taxes. The fee or tax shall be imposed only~~
16 ~~after the question of its imposition has been approved by a two-thirds majority of the~~
17 ~~registered voters of the district, voting at an election held for that purpose in~~
18 ~~accordance with the Louisiana Election Code. No other election shall be required~~
19 ~~except as provided by this Subsection.~~

20 ~~(2) The proceeds of said tax or fee shall be used solely and exclusively for~~
21 ~~the purposes and benefit of the district. Said proceeds shall be paid over to the Board~~
22 ~~of Liquidation, City Debt, day by day as the same proceeds are collected and~~
23 ~~received by the appropriate officials of the city of New Orleans and maintained in~~
24 ~~a separate account. The city of New Orleans shall remit to the district all amounts~~
25 ~~collected not more than thirty days after collection. However, the city may retain one~~
26 ~~percent of the amount collected as a collection fee.~~

27 ~~F. Budget. (1) The board of commissioners shall adopt an annual budget~~
28 ~~in accordance with the Local Government Budget Act, R.S. 39:1301 et seq. The~~
29 ~~budget and all amendments shall be subject to the approval of the New Orleans city~~
30 ~~council.~~

1 ~~(2) The district shall be subject to audit by the legislative auditor pursuant~~
2 ~~to R.S. 24:513.~~

3 ~~G. Plan. (1) The board shall prepare or cause to be prepared a plan or plans,~~
4 ~~such plan or plans hereinafter referred to collectively as the "plan", specifying the~~
5 ~~public improvements, facilities, and services proposed to be furnished, constructed,~~
6 ~~or acquired for the district, and it shall conduct such hearings, publish notice with~~
7 ~~respect thereto, and disseminate such information as it in the exercise of its sound~~
8 ~~discretion may deem to be appropriate or advisable and in the public interest.~~

9 ~~(2) Any plan shall include:~~

10 ~~(a) An estimate of the annual and aggregate cost of acquiring, constructing,~~
11 ~~or providing the services, improvements, or facilities set forth therein.~~

12 ~~(b) An estimate of the taxes or fees required to be levied in each year on the~~
13 ~~taxable real property within the district in order to provide the funds required for the~~
14 ~~implementation or effectuation of the plan for furnishing the services specified and~~
15 ~~for capital improvements or debt service, or both.~~

16 ~~H. Miscellaneous provisions. (1) The district shall have the power, acting~~
17 ~~through its board, to enter into contracts with the New Orleans Police Department~~
18 ~~or with a private security company which has been certified by the superintendent~~
19 ~~of the New Orleans Police Department for the provision of security patrols in the~~
20 ~~district. The district will perform or have performed any other function or activity~~
21 ~~necessary for the achievement of its primary objective of encouraging the~~
22 ~~beautification, security, and overall betterment of the Lake Willow Subdivision~~
23 ~~Improvement District.~~

24 ~~(2) It is the purpose and intent of this Section that the additional security~~
25 ~~patrols, public or private, as provided through these taxes or fees authorized herein~~
26 ~~shall be supplemental to and not in lieu of personnel and services provided in the~~
27 ~~district by the New Orleans Police Department.~~

28 A. Creation. There is hereby created within the parish of Orleans, as more
29 specifically provided in Subsection B of this Section, a body politic and corporate
30 which shall be known as the Lake Willow Subdivision Improvement District,

1 referred to in this Section as the "district". The district shall be a political
2 subdivision of the state as defined in the Constitution of Louisiana.

3 B. Boundaries. The district shall be comprised of the area of Orleans Parish
4 located between Morrison Road on the north, the Lawrence Drainage Canal on the
5 west, the I-10 Service Road on the south, and on the east by a line approximately two
6 hundred feet west of the west line of Crowder Road, excluding Lots 1B, 1C, and 1D
7 shown on said plan, which said plan of subdivision is registered in COB692,
8 folio202, Orleans Parish, comprising all of the Lake Willow Subdivision.

9 C. Purpose. The district is established for the primary object and purpose of
10 promoting and encouraging the beautification, security, and overall betterment of the
11 district.

12 D. Governance. (1) The district shall be governed by a board of
13 commissioners, referred to in this Section as the "board", consisting of members as
14 follows:

15 (a) The board of directors of the Lake Willow Homeowners Association
16 shall appoint five members.

17 (b) The mayor of New Orleans shall appoint one member.

18 (c) The member or members of the governing authority of the city of New
19 Orleans who represent the area which comprises the district shall appoint one
20 member.

21 (d) The member or members of the Louisiana House of Representatives who
22 represent the area which comprises the district shall appoint one member.

23 (e) The member or members of the Louisiana Senate who represent the area
24 which comprises the district shall appoint one member.

25 (2) All members of the board shall own property within the district.

26 (3) Board members shall serve three-year terms after serving initial terms as
27 follows: three members shall serve an initial term of one year, three shall serve two
28 years, and three shall serve three years as determined by lot at the first meeting of the
29 board.

1 (4) Vacancies resulting from the expiration of a term or any other reason
2 shall be filled for the remainder of the unexpired term in the manner of the original
3 appointment.

4 (5) The members of the board shall select from among themselves a
5 president and such other officers as they deem appropriate. The responsibilities of
6 the officers shall be as provided by the bylaws of the board.

7 (6) The members of the board shall serve without compensation.

8 (7) The minute books and archives of the district shall be maintained by the
9 secretary of the board. The board shall keep minutes of all meetings and shall make
10 them available through the secretary of the board to members of the district. The
11 monies, funds, and accounts of the district shall be in the official custody of the
12 board.

13 (8) A majority of the members of the board shall constitute a quorum for the
14 transaction of business.

15 E. Powers and duties. The district, acting through its board, shall have the
16 following powers and duties:

17 (1) To sue and be sued.

18 (2) To adopt, use, and alter at will a corporate seal.

19 (3) To receive and expend funds collected pursuant to Subsection F of this
20 Section and in accordance with a budget adopted as provided by Subsection G of this
21 Section.

22 (4) To enter into contracts with individuals or entities, private or public, for
23 the provision of security patrols in the district.

24 (5) To purchase items and supplies which the board deems instrumental to
25 achieving the purpose of the district.

26 (6) To perform or have performed any other function or activity necessary
27 for the achievement of the purpose of the district.

28 F. Parcel fee. The governing authority of the city of New Orleans is hereby
29 authorized to impose and collect a parcel fee within the district subject to and in
30 accordance with the provisions of this Subsection:

1 (1) The amount of the fee shall be as requested by duly adopted resolution
2 of the board. The fee shall be a flat fee per parcel of land not to exceed three
3 hundred dollars per year for each parcel.

4 (2)(a) The fee shall be imposed on each parcel located within the district.

5 (b) For purposes of this Section, "parcel" means a lot, a subdivided portion
6 of ground, an individual tract, or a "condominium parcel" as defined in R.S.
7 9:1121.103.

8 (c) The owner of each parcel shall be responsible for payment of the fee.

9 (3)(a) The fee shall be imposed only after the question of its imposition has
10 been approved by a majority of the registered voters of the district who vote on the
11 proposition at an election held for that purpose in accordance with the Louisiana
12 Election Code. The amount of the fee may be changed by duly adopted resolution
13 of the board, not to exceed the maximum amount authorized in this Subsection. No
14 other election shall be required except as provided by this Paragraph.

15 (b) The initial election on the question of the imposition of the fee shall be
16 held for that purpose in accordance with the Louisiana Election Code.

17 (c) If approved, the fee shall expire on December 31, 2014, but the fee may
18 be renewed if approved by a majority of the registered voters of the district voting
19 on the proposition at an election as provided in Subparagraph (a) of this Paragraph.
20 If the fee is renewed, the term of the imposition of the fee shall be as provided in the
21 proposition authorizing such renewal, not to exceed eight years.

22 (4) The fee shall be collected at the same time and in the same manner as ad
23 valorem taxes on property subject to taxation by the city are collected.

24 (5) Any parcel fee which is unpaid shall be added to the tax rolls of the city
25 and shall be enforced with the same authority and subject to the same penalties and
26 procedures as unpaid ad valorem taxes.

27 (6)(a) The proceeds of the fee shall be used solely and exclusively for the
28 purpose and benefit of the district; however, the city may retain one percent of the
29 amount collected as a collection fee.

1 **(b) The city of New Orleans shall remit to the district all amounts collected**
 2 **not later than sixty days after collection.**

3 **G. Budget. (1) The board shall adopt an annual budget in accordance with**
 4 **the Louisiana Local Government Budget Act, R.S. 39:1301 et seq. The budget and**
 5 **all amendments shall be subject to the approval of the New Orleans City Council.**

6 **(2) The district shall be subject to audit by the legislative auditor pursuant**
 7 **to R.S. 24:513.**

8 **H. Miscellaneous provisions. (1) It is the purpose and intent of this Section**
 9 **that the additional law enforcement personnel and their services provided for through**
 10 **the fees authorized in this Section shall be supplemental to and not in lieu of**
 11 **personnel and services provided in the district by the New Orleans Police**
 12 **Department.**

13 **(2) If the district ceases to exist, all funds of the district shall be transmitted**
 14 **by the board to the city of New Orleans, and such funds, together with any other**
 15 **funds collected by the city of New Orleans pursuant to this Section, shall be**
 16 **maintained in a separate account by the city and shall be used only to promote,**
 17 **encourage, and enhance the security, beautification, and overall betterment of the**
 18 **area included in the district.**

19 Section 2. This Act shall become effective on July 1, 2010; if vetoed by the governor
 20 and subsequently approved by the legislature, this Act shall become effective on July 1,
 21 2010, or on the day following such approval by the legislature, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____